1951

**File No.** Cinematograph II
51 (R)

Legal Deptt

B **BRANCH**

Subject:— ~~A Bill~~ Rules under the Cinematograp Act, 1918

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File No. Cinematograph II/51(R)

Con. 194

2-2-1-D

OFFICE OF THE R.L.A.

The proposal of the Home Department to amend rules made under Government Notification, Home Department (Poll.) No. 9960/4-Poll., dated the 16th June 1947, by inserting a conditionm to the effect that the licensee will not exhibit any slide unless it is certified by the Licensing Authority or by an officer authorised by it for the purpose as un-objectionable is not in order. It has been held in R.L.A's opinion No.2840, dated the 14th February 1951 that the rule-making power, except for the purpose to provide for the regulation of cinematograph exhibitions for securing the public safety, now vests in the Central Government and that conditions 1, 2 and 3 of the conditions of licence which were prescribed by Government under Government Notification Home Department No. 9960/4-Poll, dated the 16th June 1947, which do not relate to the public safety, can now be prescribed only by the Central Government. No conditions which do not provide for the regulation of cinematograph exhibition for securing the public safety can be inserted by the State Government in the form of licence under the rule-making section of the Act, namely section 9(3) of the Act. (Cf. R.L.A's opinion No. 10580, dated the 4th July 1951). However as advised by the R.L.A. in his opinion No. 628-Confl., dated the 2nd July 1950,

Contd.

it would be possible under section 5(3) of the Act to include a condition in the licence that only approved advertisements shall be shown on the screen in the cinema theatres, and as licensing authorities are subject to the control of the State Government, it would be legally competent to the State Government to instruct them to insert such a condition in the licence. The proper procedure, under the circumstances, would be to issue executive orders to the Licensing Authorities asking them to insert the following condition in a licence which will be issued hereafter, namely :-

"The licensee will not exhibit or permit to be exhibited in the said place any slide unless it is certified as unobjectionable by a licensing authority or by an officer authorised by it in this behalf."

It may be pointed out that the view of the Central Government in para. 3 of its letter at page 1 ante that the new condition cannot be inserted during the currency of an existing licence is correct. The new condition which is proposed to be inserted can only be added when the licence comes up for renewal

J.R.Dhurandhar 4/10.

Remembrancer of Legal Affairs.

U.R. to H.D.(Poll.)No. 894Confl, dt the 24th October 1951.

25/6.